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GOVERNMENT GAZETTE

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GOVERNMENT OF GOA, DAMAN AND DIU

Special Department

Notification

OSD/RRVS/30/67

In exercise of the powers conferred by the proviso to article 309 of the Constitution, read with the Government of India, Ministry of External Affairs letter No. F.7(11)/62-Goa dated the 25th July, 1963, the Administrator of Goa, Daman and Diu is pleased to make the following rules relating to the Class III posts of Excise Guards and Class IV posts of Assistant Excise Guards in the Excise Department under the Government of Goa, Daman and Diu.

1. **Short title.** — These rules may be called Goa Government Excise Department, Excise Guards and Assistant Excise Guards Recruitment Rules, 1968.

2. **Application.** — These rules shall apply to the posts specified in column 1 of the Schedule to these rules.

3. **Number, classification and scale of pay.** — The number of posts, classification of the said post and the scales of pay attached thereto shall be as specified in columns 2 to 4 of the said Schedule.

4. **Method of recruitment, age limit and other qualifications.** — The method of recruitment to the said posts, age limit, qualifications and other matters

connected therewith shall be as specified in columns 5 to 13 of the aforesaid Schedule.

Provided that,

- (a) the maximum age limit specified in the Schedule in respect of direct recruitment may be relaxed in the case of candidates belonging to the Scheduled Castes and Scheduled Tribes and other special categories in accordance with the orders issued by the Government from time to time; and
- (b) no male candidate, who has more than one wife living and no female candidate, who has married a person having already a wife living, shall be eligible for appointment, unless the Government, after having been satisfied that there are special grounds for doing so, exempts any such candidate from the operation of this rule.

5. These rules will come into effect from the date of the Notification and will relate to appointments to the various posts made on or after this date. An appointment made prior to this date through a duly constituted staff Selection Board/Departmental Promotion Committee will be deemed to be a regular appointment, notwithstanding any provisions contained in these rules, and the probation period in that case will extend to six months only from the date of this notification.

G. K. Bhanot
Chief Secretary

Panjim, 8th April, 1968.

SCHEDULE

Name of the post	No. of posts	Classification	Scale of Pay	Whether Selection Post or non-Selection Post	Age for direct recruits	Educational and other qualification required for direct recruits	Whether age and educational qualifications prescribed for the of probation, if direct recruitments will apply in the case of promotees or	Period of probation, if any	Method of recruitment whether by direct recruitment or by promotion or by deputation/transfer, and percentage of the vacancies to be filled by various methods	In case of recruitment by promotion/deputation/transfer, grades from which promotion/transfer to be made	If a DPC exists, what is its composition in making recruitment	Circumstances in which U. P. S. C. is to be consulted
1	2	3	4	5	6	7	8	9	10	11	12	13
1. Excise Guard	31	Class III (non-ministerial, non-gazetted)	Rs. 100-3-130.	Selection	N. A.	Not applicable.	N. A.	Two years	Promotion. Assistant Excise Guard and Daftri with at least 3 years standing in the grade.	Promotion	Class III under the D.P.C. rules.	
2. Assistant Excise Guard	161	Class IV	Rs. 75-1-85-2-95.	N. A.	18 to 25 years (Relaxable for Govt. servants & ex-military personnel)	1. Middle Class or equivalent preferably with English. 2. Minimum height of 5'4" and chest measurements of 31"-33". 3. Must have ability to read and write one or more of the local languages. (Qualifications relaxable at the discretion of Excise Commissioner in case of candidates otherwise well qualified).	N. A.	Do	Direct Recruitment.	Not applicable.	N. A.	

Notification

OSD/RRVS/47/66

In exercise of the powers conferred by the proviso to article 309 of the Constitution, read with the Government of India, Ministry of External Affairs letter No. F.7(11)/62-Goa, dated the 25th July 1963, the Administrator of Goa, Daman and Diu is pleased to make the following amendments to the Goa Government, Directorate of Agriculture, (non-ministerial, non-gazetted posts) Recruitment Rules, 1966, issued under Notification dated 9th November, 1966 and published in Government Gazette Series I, No. 38, dated 22nd December, 1966.

AMENDMENT

In the Schedule attached to the said Notification.

1. Entries at Serial No. 5 (Farm Supervisor), 6 (Instructor in Agriculture) and 13 (Instructor in Agricultural Engineering) may be deleted.

2. The entries at Serial No.32 (Assistant Agricultural Officer Grade II/Technical Assistant/Garden Assistant) may be deleted.

3. Against the post indicated at Serial No. 31.

(a) For the existing entry in column 1 substitute "Agricultural Assistant".

(b) For the existing entry in column 7 substitute.

i) "Matriculation or equivalent with two years Diploma in Agriculture from a recognised Institute,

Or

ii) Persons who have successfully undergone the 2 years Certificate Course of Training in the Extension Training Centre, under the Department of Agriculture in this Territory, or an equivalent course elsewhere".

4. Against the post indicated at Serial No. 33:

(a) for the existing entry in column 1 substitute "Agricultural Demonstrators".

(b) for the existing entry in column 2 substitute "9".

(c) for the existing entry in column 8 substitute "Not Applicable".

(d) for the existing entry in column 11 substitute.

"Promotion". — Agricultural Assistants with 5 years standing in the grade".

5. Against the post indicated at Serial No. 34.

(a) For the existing entry in column 1 substitute "Assistant Agricultural Officer grade II/Extension Officer (Agr)/Instructor in Agriculture".

(b) For the existing entry in column 2 substitute "32".

(c) In column 7 delete "(ii) Two years' experience in Agricultural Extension Work/Agriculture Department/Vegetable Breeding or Research Centre/Field of Plant Protection".

(d) For the existing entry in column 8 substitute "Not Applicable".

- (e) For the existing entry in column 10 substitute "Promotion:—25% (failing which direct recruitment) — Direct Recruitment — 75%".
- (f) For the existing entry in column 11 substitute "Promotion:—Agricultural Demonstrators with 3 years experience in the grade and Gram Sevaks/Sevikas with at least 5 years in the grade".

S. P. Balasubramanian, Chief Secretary.

Panaji, 1st May, 1968.

Notification

OSD/RRVS/42/66

In exercise of the powers conferred by the proviso to article 309 of the Constitution, read with the Government of India, Ministry of External Affairs letter No. F.7(11)/62-Goa dated the 25th July, 1963, the Administrator of Goa, Daman and Diu is pleased to make the following amendment to the Government Department of Animal Husbandry and Veterinary Services (non-ministerial, non-gazetted posts) Recruitment Rules, 1966, published under Notification dated 8th July, 1966 in the Government Gazette No. 20, Series I, dated 18th August, 1966.

AMENDMENT

In the schedule attached to the said Notification against the post at serial no. 19 for the existing entry in column no. 1 substitute:—

«Manager Composite Livestock Farm — Dhat».

S. P. Balasubramanian, Chief Secretary.

Panaji, 13th May, 1968.

Legislative Assembly of Goa, Daman and Diu

Legislature Department

LA/1848/68

The following Act, passed by the Legislative Assembly of Goa, Daman and Diu received the Assent of the President of India on the 30th April 1968, and is hereby published for general information.

THE GOA, DAMAN AND DIU WEIGHTS AND MEASURES (ENFORCEMENT) ACT, 1968

(Act No. 9 of 1968) [30th April, 1968]

An Act to provide for the enforcement of standard weights and measures and for matters connected therewith.

Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Nineteenth Year of the Republic of India as follows:—

CHAPTER I

Preliminary

1. **Short title, Extent and Commencement.**—(1) This Act may be called the Goa, Daman and Diu Weights and Measures (Enforcement) Act, 1968.

(2) It extends to the whole of the Union Territory of Goa, Daman and Diu.

(3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint; and different dates may be appointed for different provisions of this Act or for different areas or for different classes of undertakings or for different classes of goods.

2. **Definitions.**—In this Act, unless the context otherwise requires,—

(a) «Commercial weight or measure» means a weight or measure purporting to be a standard weight or measure used in any transaction for trade or commerce;

(b) «Controller and Assistant Controller» means the Controller and Asst. Controller of Weights and Measures appointed under section 18;

(c) «Inspector» means an Inspector of Weights and Measures appointed under section 18;

(d) «Measuring Instrument» means any measuring instrument other than a weighing instrument and includes any instrument used for determining the length, area, volume, capacity, quality, temperature or density of any articles;

(e) «Mint» means any mint established by the Central Government;

(f) «Person» shall be construed to mean both the plural and singular, as the case demands, and shall include individuals, partnerships, corporations, companies, societies, associations, Government Departments, Offices and other Organisations;

(g) «Prescribed» means prescribed by rules made under this Act;

(h) «Reference standards» means the sets of standard weights and measures supplied to the State Government by the Central Government in pursuance of sub-section (2) of section 15 of the Standards of Weights and Measures Act, 1956;

(i) «Rules» means the rules made under section 50;

(j) «Standard weight or measure» means any unit of mass or measure referred to in sub-section (1) of section 13 of the Standards of Weights and Measures Act, 1956.

(k) «Sealed package or container» means a closed packet bottle, casket, tin, barrel, case, receptacle, bag, sack, wrapper or other thing in which any article is placed or packed and which is intended to be sold with its contents, without any weighment or measurement of such contents at the time of sale;

(l) «Stamp» means a mark for use as evidence of the passing of Weights and measures for use, whether applied by impressing, casting, engraving, etching, branding or by any other means and cognate expressions shall be construed accordingly;

(m) «State Government» means the Administrator appointed to the Union Territory of Goa, Daman and Diu, under article 239 of the Constitution or the Government of Goa, Daman and Diu;

(n) «Use in transaction for trade or commerce» means use for the purpose of determining or declaring the quantity of anything in terms of measure.

ment of length, area, volume, capacity or weight in or in connection with —

- (i) any contract, whether by way of sale, purchase, exchange, hire purchase or otherwise; or
- (ii) any assessment of royalty, toll, duty or other dues; or
- (iii) the assessment of any work done or services rendered, otherwise than in relation to research or scientific studies or in individual house-holds for house-hold purpose;

(o) «Verification» with its grammatical variations and cognate expressions used with reference to a weight or measure or weighing or measuring instrument, includes the process of comparing, checking or testing such weight or measure or weighing or measuring instrument and also includes re-verification;

(p) «Weighing instrument» means any instrument for weighing and includes scales with the weights belonging thereto, scale-beams, balances, spring balances, steel yards and other weighing machines.

CHAPTER II

Standard Weights and Measures

3. Working standards. — (1) For the purpose of verifying the correctness of commercial weights and measures and weighing and measuring instruments used in transactions for trade or commerce the State Government may cause to be prepared as many sets of authenticated standard weights and measures as it may deem necessary, to be called the working standards.

(2) The working standards shall be made of such material and according to such designs and specifications and shall be prepared by such agency and shall be stamped and authenticated by such person or authority and in such manner as may be prescribed.

(3) The working standards shall be kept at such places, in such custody and in such manner as may be prescribed.

(4) A working standard shall be verified with the secondary standard and marked by such persons, at such places, at such intervals and in such manner as may be prescribed.

(5) A working standard which is not so verified and marked within the prescribed period shall not be deemed legal or be used for the purposes of this Act.

(6) A working standard which has become defective shall not be deemed legal or be used for the purposes, of this Act, until it has been verified and marked in the prescribed manner.

4. Secondary standards. — (1) For the purpose of verifying the correctness of the working standards, the State Government may cause to be prepared at the Mint as many sets of authenticated standard weights and measures as it may deem necessary to be called the secondary standards.

(2) The secondary standards shall be made of such material and according to such design and specifications as may be prescribed and shall be stamped and authenticated by such person or authority as the Central Government may direct.

(3) The secondary standards shall be kept at such places, in such custody and in such manner as may be prescribed.

(4) A secondary standard shall be verified with the reference standard at least once in every period of five years and shall be marked with the date of verification in the prescribed manner by such person or authority as the State Government may direct.

(5) A Secondary standard which is not so verified and marked within the aforesaid period shall not be deemed legal and shall not be used for the purposes of this Act.

5. Reference standards. — The reference standards shall be kept at such places in such custody and in such manner as the State Government may direct.

6. Standard weighing and measuring instruments. — (1) For the purpose of verifying the correctness of commercial weights and measures and of weighing and measuring instruments used in transactions for trade or commerce, the State Government may cause to be prepared as many sets of standard weighing and measuring instruments as it may deem necessary.

(2) Such instruments shall be of such kind, kept in such number and shall be verified and stamped in such manner as may be prescribed.

(3) Such instruments shall be kept at all places where secondary standards or working standards are kept.

7. Prohibition of use of weights and measures other than standard weights and measures. — (1) Notwithstanding anything contained in any other law or any custom, usage or practice, to the contrary no unit of mass or measure other than the standard weights or measures shall be used in any transaction for trade or commerce in any area or class of goods or undertaking in respect of which this Act has come into force or be kept in any premises where such transactions are usually conducted.

(2) Any custom, usage, practice, or method of whatever nature which permits in any trade a trader, seller or buyer to demand, receive or cause to be demanded or received any quantity of article in excess of, or less than, the quantity fixed by the weight or measure by which the contract or dealing in respect of the said article has been made, shall be void.

(3) Any transaction, dealing or contract made or had after the expiry of three months from the commencement of this Act shall, in so far as it contravenes the provisions of sub-section (1) be void.

8. Power to prescribe the use of weights only, or measures only, in certain cases. — (1) Notwithstanding anything contained in this Act, the State Government may, by notification in the Official Gazette, direct that in any specified trade or class of trades no transaction, dealing or contract shall be made or had except by weight only, or except by measure only.

(2) A notification issued under this section shall take effect in such area, with effect from such date, and subject to such conditions, if any, as may be specified therein.

CHAPTER III

9. Registration of persons using weights or measures or weighing or measuring instruments in transactions for trade or commerce.— (1) No person shall use any weight or measure or weighing or measuring instrument in any transaction for trade or commerce unless he registers himself within the prescribed period with the Controller and obtain from him a certificate in token thereof.

(2) Every application for registration under sub-section (1) shall be made to the Controller and shall contain such particulars as may be prescribed.

(3) If the Controller is satisfied that an application for registration is in order, he shall register the applicant and issue to the applicant a certificate of registration in the prescribed form.

CHAPTER IV

Verification and Stamping of Weights and Measures

10. Marking of denominations on commercial weights and measures.— Every weight or measure manufactured for use as a commercial weight or measure shall bear the description of the weight or measure which it purports to be marked legibly on it in such manner as may be prescribed.

11. Prohibition of sale of unstamped commercial weights and measures.— No commercial weight or measure or weighing or measuring instrument shall be sold or delivered unless it has been verified or reverified in accordance with the rules made under this Act and stamped in the prescribed manner by an Inspector with stamp of verification.

12. Prohibition of use of unstamped commercial weights or measures.— No weight or measure or weighing or measuring instruments shall be used in transactions for trade or commerce unless it has been verified or reverified in accordance with the rules made under this Act and stamped in the prescribed manner by an Inspector with a stamp of verification.

13. Power of State Government to exempt.— Where the size of a commercial weight or measure renders it impracticable to have any denomination marked on it under the provisions of section 10 or to be stamped under the provisions of section 11 or section 12, the State Government may, by notification in the Official Gazette, exempt such weight or measure from being so stamped.

14. Prohibition of manufacture etc., of weights and measures without licence.— No person shall, in the course of trade, manufacture, repair or sell any weight or measure or any weighing or measuring instrument, unless he has obtained in the prescribed manner a licence in this behalf from the State Government or any officer authorised by such Government.

15. Manufacturer to submit prototypes of weights, measures and weighing and measuring instruments.— (1) Every manufacturer of any prescribed weight or measure or weighing or measuring instrument shall,—

(a) in a case where such weight or measure or weighing or measuring instrument is being manufactured at the commencement of this Act on the

pattern of an existing design, within such period as may be prescribed;

(b) in any other case, before he commences to manufacture that weight or measure or weighing or measuring instrument, submit to the prescribed authority a prototype of the weight or measure or weighing or measuring instruments, as the case may be.

(2) Every prototype submitted under sub-section (1) shall be accompanied by such particulars as may be prescribed.

(3) The prescribed authority shall, after such examination as it considers necessary, submit a report to the State Government on the prototype within the prescribed period.

(4) The State Government may, after considering the report of the prescribed authority submitted under sub-section (3), accept the prototype or suggest modifications thereto or reject the same and shall give intimation to the manufacturer accordingly:

Provided that no modification to the prototype shall be rejected under this sub-section unless the manufacturer has been given an opportunity of being heard in the matter.

(5) Where the State Government has suggested any modification to the prototype under sub-section (4), the manufacturer shall not manufacture or continue to manufacture, as the case may be, the weight or measure or weighing or measuring instrument to which the prototype relates otherwise than in accordance with that modification.

(6) Where the State Government has rejected any prototype under sub-section (4), the manufacturer shall not manufacture or continue to manufacture, as the case may be, the weight or measure or weighing or measuring instrument to which the prototype relates.

16. Marking of weights or measures on sealed containers.— No person shall sell, offer for sale, expose for sale, or have in his possession for sale, any article contained in a sealed package or container unless such package or container bears thereon, or on a label, securely attached thereto, a description of the net weight or measure of the article contained therein:

Provided that the provisions of this section shall not apply to:

(i) any sealed package or container—

(a) of net weight of less than one hundred and twenty grams, if the sealed package or container contains biscuits, confectionery or sweets; and

b) of net weight of less than sixty grams, if the sealed package or container contains any other foodstuff;

(ii) any other article sold, offered for sale, exposed for sale, or in possession for sale which is not ordinarily sold in transactions for trade or commerce by weight or measure:

Provided further that the State Government may, if it is satisfied that the size of any class of such packages or containers renders it impracticable to

comply with the provisions of this section by notification in the Official Gazette, exempt such class from the operation of this section.

17. Prohibition of quoting price, or expressing quantity, of any article otherwise than in terms of standard weight or measure.—No person shall, in any transaction for trade or commerce, quote the price, or express the quantity, of any article otherwise than in terms of the standard weight or measure.

18. Appointment of Controller, Assistant Controller and Inspectors.—(1) The State Government may appoint a Controller of Weights and Measures for the Union Territory of Goa, Daman and Diu and as many Assistant Controllers and Inspectors of Weights and Measures as may be necessary for exercising the powers and discharging the duties conferred or imposed on them by or under this Act.

(2) The State Government may, by general or special order, define the local limits within which each Inspector shall exercise the powers and discharge the duties conferred or imposed on Inspectors by or under this Act.

(3) Subject to the provisions of this Act, all Assistant Controllers of Weights and Measures and Inspectors shall perform their functions under the general superintendence and control of the Controller; and the Controller and the Assistant Controllers of Weights and Measures, may in addition to the power and duties conferred or imposed on them by or under this Act, exercise any power or discharge any duty so conferred or imposed on Inspectors.

19. Verification and stamping by Inspectors.—(1) Every Inspector shall, for the purpose of verification of weights and measures and weighing and measuring instruments, attend at such place and time within his jurisdiction as may be appointed in this behalf by the Controller.

(2) The Inspector shall verify every weight or measure or weighing or measuring instrument which is brought to him for the purpose of verification and if he finds such weight or measure or weighing or measuring instrument correct and in conformity with the Standards of Weights and Measures Act, 1956, and the rules made thereunder, he shall stamp the same with a stamp of verification in the prescribed manner.

Central
Act 89 of
1956.

20. Power to Inspect, etc.—(1) An Inspector may, within the area under his jurisdiction, inspect at all reasonable times, the weights, measures and weighing and measuring instruments which are used in transactions for trade or commerce or are in the possession of any person or are on any premises for such use and may verify every such weight or measure or weighing or measuring instrument with a working standard or weighing or measuring instrument prescribed for the purpose.

(2) For the purpose of verifying the correctness of any weight or measure used in any transaction, an Inspector may also verify the weight or measure of any article sold or delivered in the course of the transaction.

(3) An Inspector may, at all reasonable times, require any trader or any employee or agent of a trader to produce before him for inspection or verification all weights, measures, weighing and measuring instruments which are used by him or are in his possession or are kept on any premises used for trade and all documents and records relating thereto and such trader, employee or agent shall comply with such requirements.

(4) An Inspector may seize and detain any weight or measure or weighing or measuring instrument regarding which an offence under this Act appears to have been committed or which appears to have been or which might be used in the commission of such an offence, and may also seize and detain any articles sold or delivered or caused to be sold or delivered by means of such weight or measure or weighing or measuring instrument together with any documents or records relating thereto.

(5) Where an Inspector has reasons to believe that a sealed package or container does not actually contain the net weight or measure of the article which it purports to contain, he may break open the sealed package or container and verify its contents; and if, on such verification, the net weight or measure of the article is found to be correct, he shall reseal the package or container where it is possible so to do and attach a certificate thereto stating the correct weight or measure of the article, but if, on the other hand the net weight or measure of the article is found to be incorrect, he may seize and detain the package or container and the article contained therein.

(6) For the purpose of such inspection, an Inspector may, at all reasonable time, enter into any place where weights, measures, or weighing or measuring instruments are used or kept for use in transactions for trade or commerce and inspect such weights and measures and weighing and measuring instruments.

Explanation:—Where any premises is partly used for trade and partly for dwelling purpose, the whole of such premises shall, for the purpose of this sub-section, be treated as a place where weights or measures or weighing or measuring instruments are used or are kept for use in transactions for trade or commerce.

21. Power of Inspector to adjust weights or measures.—Where it appears to the State Government desirable that an Inspector should be allowed in any area to adjust the weights and measures or weighing or measuring instruments, it may, if it thinks fit, authorise such Inspector to adjust weights and measures or such instruments accordingly.

22. Manufacturers etc. to maintain records and documents.—(1) Every manufacturer, repairer or dealer in weights and measures or weighing or measuring instruments and every person using them in transactions for trade or commerce shall maintain such records and accounts as may be prescribed and if required so to do by an Inspector, shall produce such records and account before him.

(2) Notwithstanding anything contained in sub-section (1), if the State Government is of opinion that having regard to the nature of business carried on by any such manufacturer, repairer or dealer,

it is necessary so to do, it may, by order exempt such person or class of persons from the operation of that sub-section.

23. Appeals. — (1) Subject to the provisions of sub-section (2), an appeal shall lie —

(a) from every decision of Assistant Controller, and Inspector under this Act, to the Controller; and

(b) from every decision of the Controller under this Act, not being a decision made in appeal under clause (a), to the State Government or any officer specially authorised in this behalf by the State Government.

(2) Every such appeal shall be preferred within sixty days from the date of the decision.

(3) On receipt of any such appeal, the appellate authority shall, after giving the appellant a reasonable opportunity of being heard and after making such enquiry as it deems proper, decide the appeal and the decision of the appellate authority shall be final.

24. Levy of fees. — The State Government may charge such fees —

(a) for the grant of licence under section 14, for manufacture, repair or sale of commercial weights and measures and weighing and measuring instruments; and

(b) for the verification, marking, stamping and adjustment of commercial weights and measures and weighing and measuring instruments,

as may be prescribed.

25. Validity of weights and measures duly stamped. — A weight or measure or weighing or measuring instrument, duly stamped by an Inspector under this Act, shall be a legal weight or measure or weighing or measuring instrument in all places in which relevant provision of this Act has come into force unless it is found to be false or defective and shall not be liable to be restamped by reason merely of the fact that it is used in any place other than that in which it was originally stamped.

CHAPTER V

Penalties

26. Penalty for sale or delivery by weight or measure other than standard weights or measures. — Whoever, after the expiry of three months from the commencement of this section, sells or causes to be sold or delivers or causes to be delivered in the course of any transaction for trade or commerce any article by any denomination of weight or measure other than one of the standard weights or measures or whoever after the commencement of this Act keeps any unit of mass or measure other than the standard weights and measures in any premises where such transactions are usually conducted shall be punishable, for a first offence, with fine which may extend to two thousand rupees, and for a second or subsequent offence, with imprisonment for a period which may extend to three months, or with fine, or with both.

27. Penalty for sale of unstamped commercial weights and measures. — Whoever sells or delivers any weight or measure or any weighing or measur-

ing instrument which has not been verified or re-verified or stamped in accordance with the provisions of this Act and the rules made thereunder shall be punishable with fine which may extend to two thousand rupees.

28. Penalty for use of unstamped commercial weights and measures. — Whoever uses in any transaction for trade or commerce or has in his possession for such use, any weight or measure or any weighing or measuring instrument which has not been verified or reverified or stamped in accordance with the provisions of this Act and the rules made thereunder shall be punishable for a first offence, with fine which may extend to two thousand rupees, and for a second or subsequent offence with imprisonment for a period which may extend to three months, or with fine, or with both.

Explanation 1: When any such weight or measure or weighing or measuring instruments is found in the possession of any trader or any employee or agent of such trader, such trader, employee or agent shall be presumed, until the contrary is proved, to have had it in his possession for use in transactions for trade or commerce.

Explanation 2: Where any weight or measure or weighing or measuring instrument is used or possessed in contravention of this section by any employee or agent of a trader on behalf of such a trader, such trader shall, unless he proves that the offence under this section was committed by his employee or agent without his knowledge or consent, be also deemed to be guilty of the offence.

29. Penalty for manufacture of weights etc. without licence. — If any person manufactures, repairs, or sells any weight or measure or weighing or measuring instrument, without obtaining a licence as required by section 14, he shall be punishable with imprisonment for a period which may extend to three months, or with fine, or with both.

30. Penalty for use of weights or measures in contravention of section 8. — Whoever contravenes any of the provisions of a notification issued under section 8 shall be punishable with fine which may extend to two thousand rupees.

31. Penalty for non-registration. — Whoever contravenes the provisions of section 9(1) shall, on conviction, be punished with fine which may extend to fifty rupees.

32. Penalty for contravention of section 15. — Whoever contravenes the provisions of section 15 shall, on conviction, be punished with fine which may extend to two thousand rupees.

33. Penalty for failure to mark weight or measure on sealed containers. — Whoever contravenes the provisions of section 16 shall be punishable with fine which may extend to two thousand rupees.

34. Penalty for quoting prices or expressing quantities otherwise than in terms of standard weight or measure in contravention of section 17. — Whoever contravenes the provisions of section 17 shall be punishable with fine which may extend to two thousand rupees.

35. Penalty for fraudulent use of weights, measures etc. — Whoever fraudulently uses any standard weight or measure or weighing or measuring instrument which he knows to be false shall be punishable with imprisonment for a period which may extend to one year, or with fine or with both.

36. Penalty for being in possession of false weight or measure etc. — Whoever is in possession of any commercial weight or measure or weighing or measuring instrument which he knows to be false, intending that the same may be fraudulently used shall be punishable with imprisonment for a period, which may extend to one year, or with fine or with both.

37. Penalty for making or selling false weight or measure. — Whoever makes, sells or disposes of or causes to be made, sold or disposed of any standard weight or measure or weighing or measuring instrument which he knows to be false in order that the same may be used as true or knowing that the same is likely to be used as true, shall be punishable with imprisonment for a period which may extend to one year, or with fine, or with both.

38. Penalty for delivering or receiving any quantity of article less than, or in excess of the quantity fixed by the weight or measure in the contract. — Whoever —

(i) in selling any article by weight or measure delivers or causes to be delivered to the purchaser any quantity of that article less than, or

(ii) in buying any article by weight or measure demands or receives or causes to be demanded or received from the vendor any quantity of that article in excess of the quantity fixed by the weight or measure by which the contract or dealing in respect of that article has been made, shall be punishable with fine which may extend to five hundred rupees.

39. Penalty for forging etc. of weights, measures etc. — (1) Whoever forges or counterfeits any stamp used under this Act for the stamping of any standard weight or measure or weighing or measuring instrument or possesses any such counterfeit stamp, or removes a stamp from any standard weight or measure or weighing or measuring instrument and inserts the same into another weight or measure or weighing or measuring instrument or wilfully increases or diminishes a weight or measure so stamped, shall be punishable with imprisonment for a period which may extend to one year, or with fine, or with both.

(2) Whoever knowingly uses, sells, disposes of or exposes for sale any weight or measure or weighing or measuring instrument with such forged or counterfeit stamp thereon, or a weight or a measure so increased or diminished shall be punished with imprisonment for a period which may extend to six months or with fine, or with both.

40. Penalty for neglect or refusal to produce weight or measure etc. for inspection. — Whoever —

(a) refuses or neglects to produce for inspection or verification under section 20, any weight or measure or weighing or measuring instrument or any document or record relating thereto in his possession or on his premises, or

(b) refuses to permit an Inspector to inspect and verify any such weight, measure, instrument, document, on record, or

(c) obstructs the entry of an Inspector under section 20, or

(d) otherwise obstructs or hinders an Inspector in the performance of his duties under this Act,

shall be punishable with fine which may extend to two thousand rupees.

41. Penalty for breach of duty by Inspector. — If an Inspector knowingly stamps a weight or measure or weighing or measuring instrument in contravention of the provisions of this Act or of the rules made thereunder, he shall be punishable with imprisonment for a period which may extend to one year, or with fine, or with both.

CHAPTER VI

Miscellaneous

42. Protection of action taken in good faith. — No suit, prosecution or other legal proceeding shall lie against the Controller or Assistant Controller of Weights and Measures or any Inspector or any other person appointed under this Act in respect of anything which is in good faith done or intended to be done in pursuance of this Act or rules made thereunder.

43. Controller etc. appointed under this Act to be public servants. — The Controller, every Assistant Controller and Inspector appointed under this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (45 of 1860).

44. Cognizance of offence etc. — (1) No court shall take cognizance of an offence punishable under this Act except upon complaint in writing made by the Controller or any officer authorised in this behalf by the Controller by general or special order.

(2) No court inferior to that of a magistrate of first class shall try any offence punishable under this Act.

45. Composition of offences. — (1) Any offence punishable under section 26, section 27, section 28, section 30, section 33, section 38 or section 40 other than a second or a subsequent offence under section 26 or section 28 may, either before or after the institution of the prosecution, be compounded by the State Government on payment of such sum as the State Government thinks fit.

(2) On payment by the offender of such sum, the offender, if in custody, shall be set at liberty and if any proceedings in any criminal court have been instituted against the offender in respect of the offence the composition shall be deemed to amount to an acquittal and no further criminal proceedings shall be taken against him in respect of such offence.

46. Stamped weights etc. to be presumed to be correct. — A weight or measure or weighing or measuring instrument duly stamped under the provisions of this Act and the rules made thereunder shall be presumed to be correct until its inaccuracy is proved,

if this is produced in any court by any Inspector having charge thereof or by any person acting under the general or special authority of the Controller.

47. Offences by companies.— (1) If the person committing an offence under this Act is a company, every person who, at the time the offence was committed, was in-charge of, and was responsible to the company for the conduct of the business of the company as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of any director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation: For the purposes of this section —

(a) "company" means any body corporate and includes a firm or other association of individuals; and

(b) "director", in relation to a firm, means a partner in the firm.

48. Delegation of Powers.— The State Government may, by notification in the Official Gazette, direct that any power or duty exercisable by it under this Act or rules made thereunder shall, in relation to such matters and subject to such conditions as may be specified in the direction be exercisable also by such officer or authority subordinate to the State Government as may be specified in the notification.

49. Limits of error to be tolerated in weights and measures.— Subject to any rules that may be made under the Standards of Weights and Measures Act, 1956; (Central Act 89 of 1956) in this behalf, the State Government may prescribe the limits of error which may be tolerated —

(a) in secondary standards referred to in section 4;

(b) in working standards referred to in section 3;

(c) in commercial weights and measures or in selling articles by weight or measure generally or as regards any trade or class of trades; and

(d) weighing and measuring instruments.

50. Power to make rules.— (1) The State Government may, by notification in the Official Gazette, make rules to carry out the purpose of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely —

(a) The material of which and the designs and specifications according to which working standards

may be made, the agency by which such standards may be prepared, the person by whom or the authority by which and the manner in which such standards may be stamped and authenticated, the places at which and the custody and manner in which such standards may be kept;

(b) the procedure for the verification or reverification and marking of working standards, the persons by whom the places at which and the intervals at which, they may be marked;

(c) the material of which and the designs and specifications according to which secondary standards may be made, the places at which and the custody and manner in which such standards may be kept;

(d) the procedure for the verification or reverification and marking of secondary standards and the manner in which they may be marked;

(e) the number of weighing and measuring instruments to be kept, the manner in which they may be verified and stamped and necessary particulars regarding the same;

(f) the manner in which commercial weights and measures may be marked by manufacturers;

(g) the form and manner in which, and the conditions subject to which licenses may be granted to persons for manufacture, repair or sale of commercial weights and measures and weighing and measuring instruments;

(h) the qualifications, functions and duties generally of Inspectors under this Act;

(i) verification and stamping of weights and measures and weighing and measuring instruments and the period within which they are to be reverified;

(j) inspection of weights and measures and weighing and measuring instruments used in transactions for trade or commerce;

(k) the seizure, detention and disposal of weights and measures which are not authorised by this Act;

(l) the books, accounts and records relating to weights and measures and weighing and measuring instruments to be maintained and the manner in which they may be maintained or produced;

(m) the limits of error which may be tolerated in secondary or working standards;

(n) the limits of error which may be tolerated in weights and measures and weighing and measuring instruments used or intended to be used in transactions for trade or commerce;

(o) the limits or error which may be tolerated in selling articles by weights and measures generally or as regards any trade or class of trades;

(p) the form and manner in which appeals may be preferred against decisions of Controller, Assistant Controller and Inspectors and the procedure for hearing appeals;

(q) the fees which may be charged for the grant of licences under section 14 and for verification, reverification, adjustment and stamping of weights and measures and weighing and measuring instruments and the collection and levy of the same;

(r) the material, form and specification and manufacture and sale of commercial weights and measures and weighing and measuring instruments;

(s) any other matter which has to be, or may be, prescribed.

(3) In making any rule under this section the State Government may provide that a breach thereof shall be punishable with fine which may extend to five hundred rupees.

(4) The power to make rules under this section shall be subject to the condition of previous publication in the Official Gazette.

(5) All rules made under this section shall, as soon as may be, after they are made, be laid before the State Legislature.

51. Repeal and savings. —(1) On coming into force of this Act or any part thereof, in any area or areas, the postures (order of the municipality) of respective municipality as in force in that area or areas of Union Territory of Goa, Daman and Diu shall, to the extent to which they contain any provision which correspond to any provision of this Act, stand repealed in such area or areas:

Provided that such repeal shall not affect:—

(a) the previous operation of the said law or anything duly done or suffered thereunder; or

(b) any right, privilege, obligation or liability acquired accrued or incurred under the said law; or

(c) any penalty, forfeiture or punishment incurred in respect of any offence committed against the said law; or

(d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, forfeiture or punishment as aforesaid; and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed as if this Act had not been passed:

Provided further that all appointments made, notifications and notices issued, rules, bye-laws and order made, contracts entered into under any repealed law shall, so far as they are not inconsistent with the provisions of this Act and the Rules, continue in force and be deemed to have been made, issued and entered into under this Act.

(2) If, immediately before the commencement of this Act or any provision thereof in respect of any area or class of goods or undertaking, there is in force in respect of that area or class of goods or undertakings, any law which corresponds to this Act or to any provision thereof and which is not repealed by sub-section (1), that corresponding law shall stand repealed.

Secretariat,

Panaji,

May 17, 1968

R. L. SEGEL

Secretary to the Legislative Assembly
of Goa, Daman and Diu